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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,098	12/11/2003	William Vallet	790_022	2437

25191 7590 07/25/2006

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EXAMINER
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COOLMAN, VAUGHN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,098	<b>Applicant(s)</b> VALLET ET AL.	
	<b>Examiner</b> Vaughn T. Coolman	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The new examiner of record is Vaughn Travis Coolman. Future correspondence should be directed to the new examiner. Contact information can be found in the conclusion section of the office action.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2006 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocket (U.S. Patent No. 4,340,241).**

**[claims 1, 2, and 6]** Crocket discloses an alpine ski comprising:

- two longitudinal elements (50, 52) extending from the rear end of said ski to at least a portion in an underfoot zone of said ski (shown in FIG 1)

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- a cavity (26) formed between said longitudinal elements opening longitudinally at said rear end (shown in FIG 1)
- a platform (10), or boot platform region, joined against an upper surface of said longitudinal elements in at least said underfoot zone to close at least a portion (the upper portion) of said cavity and to maintain a constant size of said cavity in said underfoot zone

Examiner notes that Crocket states (Column 4, lines 63-66) that in the underfoot region, the channel can extend therethrough, similar to FIG 8, rather than as shown in FIG 7.

With regards to the applicants claims regarding ratio  $C_{av}$  or  $C_{ar}$  and the specific method of determining the ratio and the lateral deflection of the ski during measurement, it would have been obvious to one of ordinary skill in the art to modify the length, application of force and degree of deflection of the ski as recited, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Furthermore, regarding the ski having a sidecut which has a radius smaller than 24 meters, the limitation is in the preamble of the claim and has not been given patentable weight by the examiner. Also, the applicant's own admission (paragraph [0005], lines 2-4) of the frequency of ski manufactures employing sidecuts having curvature radii "frequently smaller than 24 meters" demonstrates the conventional nature of this limitation.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crocket in view of Roumen (FR 2,794,374) or, in the alternative, Ortwig (EP 1,297,869).**

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**[claim 5]** Crocket discloses all of the elements of the claimed invention as described above except for the cavity of the alpine ski receiving an elastic filling material.

Roumen teaches a ski having two longitudinal elements forming a cavity therebetween receiving an elastic filling material (50, a spring). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ski shown by Crocket with the elastic filling material as taught by Roumen, since such a modification would provide the advantage of maintaining a dynamic positional relationship between the two longitudinal elements, allowing a user to fine tune the ski's performance.

Ortwig teaches a ski having two longitudinal elements forming a cavity therebetween receiving an elastic filling material (33) in order to modify the board body as a function of the load or bending of the sliding board. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ski shown by Crocket with the elastic filling material as taught by Ortzig, since such a modification would provide the advantage of improving the dynamic properties of the ski.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 5, and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heinbockel (DE 3,444,345 A1) teaches a platform joined against an upper surface of two longitudinal elements for an alpine ski.

McDougall (both references) teaches the particular dynamic response of an alpine ski demonstrated in the instant application.

Kastle (AT 238074) teaches two longitudinal elements extending from both the front and rear ends of an alpine ski.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vaughn T. Coolman whose telephone number is (571) 272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

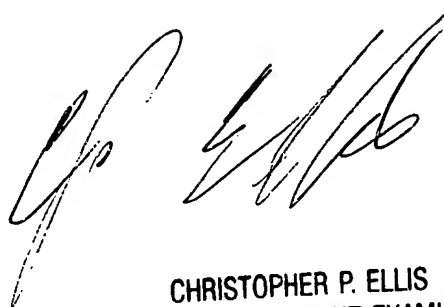
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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vtc 07/08/06

Travis Coolman  
Examiner  
Art Unit 3618



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